



**Environment  
Office of the Minister**

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Our File number:

40100-30-254  
10700-40-49885

**APR 20 2016**

Gary Rudolph  
Director of Aggregates  
Municipal Enterprises Ltd.  
927 Rocky Lake Drive  
PO Box 48100  
Bedford NS B4A 3Z2

Dear Mr. Rudolph:

Re: Environmental Assessment – Municipal Enterprises Limited  
Seabrook Quarry Expansion Project, Digby County, NS

The environmental assessment of the proposed Seabrook Quarry Expansion Project in Digby County, Nova Scotia has been completed.

This is to advise that I have approved the above project in accordance with Section 40 of the Nova Scotia Environment Act, S.N.S., 1994-95 and subsection 13(1)(b) of the Environmental Assessment Regulations, N.S. Reg. 348/2008, made under the Act. Following a review of the information provided by Municipal Enterprises Limited, and the information provided during the government and public consultation of the environmental assessment, I am satisfied that any adverse effects or significant environmental effects of the undertaking can be adequately mitigated through compliance with the attached terms and conditions.

This approval is subject to any other approvals required by statute or regulation, including but not limited to, approval under Part V of the Environment Act (Approvals and Certificates section).

If you have any questions regarding the approval of this project, please contact Peter Geddes, Director, Policy and Planning, at (902) 424-6250 or via email at [Peter.Geddes@novascotia.ca](mailto:Peter.Geddes@novascotia.ca).

Sincerely,

Margaret Miller, MLA  
Minister of Environment

Encl.

c: Peter Geddes



# Environmental Assessment Approval

Approval Date: **APR 20 2016**

## **Seabrook Quarry Expansion Municipal Enterprises Limited, Approval Holder Digby County, Nova Scotia**

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The Seabrook Quarry Expansion (the "Undertaking"), proposed by Municipal Enterprises Limited (the "Approval Holder"), Digby County, Nova Scotia is approved pursuant to Section 40 of the *Environment Act* and Section 13(1)(b) of the *Environmental Assessment Regulations*. This Approval is subject to the following conditions and obtaining all other necessary approvals, permits or authorizations required by municipal, provincial and federal acts, regulations and by-laws before commencing work on the Undertaking. It is the responsibility of the Approval Holder to ensure that all such approvals, permits or authorizations are obtained before commencing work on the Undertaking.

This Environmental Assessment Approval is based upon the review of the conceptual design, environmental baseline information, impact predictions, and mitigation presented in the Registration Document.

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### **Terms and Conditions for Environmental Assessment Approval**

#### **1.0 General Approval**

- 1.1 The Environmental Assessment Approval for the project is limited to the project as described in the Registration Document. Any proposal by the Approval Holder for expansion, modification or relocation of any aspect of the project from that proposed in the Registration Document must be submitted to the Environmental Assessment Branch for review and may require an environmental assessment (EA).
- 1.2 The Approval Holder must, within two years of the date of issuance of this approval, commence work on the Undertaking unless granted a written extension by the Minister.  
  
The Approval Holder must notify Nova Scotia Environment (NSE) the commencement date of the Undertaking, at a minimum 30 days prior to the commencement.
- 1.3 The Approval Holder must not transfer, sell, lease, assign or otherwise dispose of this approval without the written consent of the Minister. The sale of a controlling interest of a business or a transfer of an approval from a parent company to a subsidiary or an affiliate is deemed to be a transfer requiring consent.
- 1.4 The Approval Holder must implement all mitigation and commitments in the Registration Document, unless approved otherwise by Nova Scotia Environment.

## **2.0 Surface Water Resources**

- 2.1 The Approval Holder must not undertake any quarry related activities within 30 metres of a watercourse unless otherwise approved by NSE. No development or removal of vegetation within this 30 metre buffer is permitted unless otherwise approved by NSE.
- 2.2 The Approval Holder, as part of the application for amendments to the Part V Approval under the *Environment Act*, must submit the following to NSE for review and approval, and must implement the plans following NSE's approval: a surface water monitoring plan including sampling locations and parameters. Based on the results of the monitoring programs as proposed, the Approval Holder must make necessary modifications to mitigation plans and/or operations as required by NSE;
- 2.3 The Approval Holder, as part of the application for amendments to the Part V Approval under the *Environment Act*, must submit to NSE an erosion and sediment control plan that meets NSE's Erosion and Sedimentation Control Handbook
- 2.4 The Approval Holder, as part of the application for amendments to the Part V Approval under the *Environment Act*, must submit to NSE a stormwater management plan including details regarding the plans for monitoring, maintenance and upgrading of the flow retention/siltation treatment areas. Design criteria must recognize increased likelihood of more intense precipitation events in coming decades; and
- 2.5 At the request of NSE, the Approval Holder must implement in consultation with NSE, a monitoring program to determine the potential for and extent of sulphide bearing material and plan to manage any exposed acid generating material and associated drainage.
- 2.6 All surface water protection and management programs must be updated/revised to reflect the progressive development of the quarry. This is to take place over the lifetime of the Undertaking, at a schedule acceptable to NSE, and revised as approved by NSE.

## **3.0 Wetlands**

- 3.1 The Approval Holder must not undertake any quarry related activities within 30 metres of a wetland unless otherwise approved by NSE. No development or removal of vegetation within this 30 metre buffer is permitted unless otherwise approved by NSE.
- 3.2 The Approval Holder, as part of the application for amendments to the Part V Approval under the *Environment Act*, must develop and implement a wetland monitoring plan to monitor potential project impacts on the 4 wetlands within or near the project area (identified in the Registration Document).

- 3.3 If avoidance of wetlands is not possible during the development of the Project, any loss of wetland habitat through direct infilling or indirectly through alteration of wetland hydrology will require a wetland evaluation and application for alteration under the Activities Designation Regulations.

#### **4.0 Groundwater Resources**

- 4.1 The Approval Holder, as part of the application for amendments to the Part V Amendment under the *Environment Act*, must submit the following to NSE for review and approval, and must implement the program following NSE's approval: a groundwater monitoring program including location of monitoring wells and monitoring parameters. This program must be designed to evaluate potential impacts to both groundwater levels and groundwater quality. Based on the results of the monitoring programs, the Approval Holder must make necessary modifications to mitigation plans and/or quarry operations, if required, to prevent unacceptable environmental effects, to the satisfaction of NSE. This program must be updated upon application for amendments to the Part V approval or other frequency as determined by NSE; and
- 4.2 The Approval Holder must not excavate below the watertable, unless otherwise approved by NSE.
- 4.3 The Approval Holder must replace, at their expense, any water supply which has been lost or damaged as a result of project operations to the satisfaction of NSE.

#### **5.0 Flora and Fauna**

- 5.1 The Approval Holder must develop and implement a Wildlife Management Plan to include the following points in consultation with Nova Scotia Department of Natural Resources (DNR), Wildlife Division and the Canadian Wildlife Service, and notify NSE completion of the plan:
- a) a plan to protect common nighthawk and bank swallows during the breeding season;
  - b) a plan to manage non-native (alien invasive) plant species; and
  - c) a plan to manage and mitigate blasting related impacts on birds and mammals. The plan must include, but not be limited to identifying sensitive times and project locations for which blasting may impact wildlife.
- 5.2 The Approval Holder must clear vegetation outside of the breeding season for most bird species (April 15 to August 15), unless otherwise approved by NSE.

#### **6.0 Noise and Dust**

- 6.1 The Approval Holder, as part of the application for amendments to the Part V approval under the *Environment Act*, must provide for review and approval, an updated blasting plan. The plan must include an updated pre blast survey for structures and water supplies within 800 metres of the blast area, a detailed blast monitoring plan, and a full blast damage response policy .

- 6.2 At the request of NSE, the Approval Holder must develop and implement an air quality and/or dust monitoring plan. This plan must include but not be limited to sampling locations, parameters, monitoring methods, protocols and frequency. Based on the results of the monitoring programs as proposed, the Approval Holder must make necessary modifications to mitigation plans and/or operations as required by NSE.
- 6.3 At the request of NSE, the Approval Holder must monitor noise levels. Based on the results of monitoring program as proposed, the Approval Holder must make necessary modifications to mitigation plans and/or operations as required by NSE.

## **7.0 Archaeological and Heritage Resources**

- 7.1 Prior to clearing within 30 m of the Henderson family homestead cellar identified at the project area, the Approval Holder must conduct an archaeological study in the form of shovel tests to investigate the significance of this cultural resources. The study must be developed in consultation with the Nova Scotia Department of Communities, Culture and Heritage (CCH), and the study results must be submitted to CCH for review. Necessary modifications to mitigation plans and/or project operations must also be made to the satisfaction of NSE, prior to the clearing.
- 7.2 The Approval Holder must cease work and contact the Coordinator, Heritage Division, CCH immediately upon discovery of an archaeological site or artifact unearthed during any phase of the Undertaking. If the find is of suspected or certain Mi'kmaq origin, the Approval Holder must also contact the Executive Director of the Kwilmu'kw Maw-klusuaqn Negotiation Office.

## **8.0 Public Engagement**

- 8.1 At the request of NSE, the Approval Holder must develop and submit to NSE, a complaint resolution program to address public concerns associated with the Undertaking. The complaint resolution program must include but not be limited to the appointment of a contact person designated to deal with concerns from the public.
- 8.2 The Approval Holder must appoint a contact person designated to deal with complaints from the public, and must provide the contact person information to NSE 30 days prior to the commencement of any work. Records of these complaints and associated actions must be made available to NSE upon request.
- 8.3 At the request of NSE, the Approval Holder must form a Community Liaison Committee (CLC). The NSE Guidelines for the Formation of a Community Liaison Committee should be used for guidance. The Approval Holder must operate the CLC for the duration of the Undertaking and until released in writing by NSE.

## **9.0 First Nation and Aboriginal Engagement**

- 9.1 The Approval Holder must develop and implement a Mi'kmaq Communication Plan for the Undertaking, which will include a process for communicating project details and seeking input from the Mi'kmaq community.

## **10.0 Contingency Plans**

- 10.1 The Approval Holder, as part of the application for amendments to the Part V Approval under the *Environment Act*, must submit to NSE a contingency plan that meets NSE's Contingency Planning Guidelines and addresses (including but not limited to):

- a) accidental occurrences, and includes the location of spill equipment kept on-site and emergency phone numbers;
- b) training to be delivered to staff, including contractors;
- c) procedures for responding to incidents occurring during times when the facility is not staffed (e.g. evenings, weekends, holidays);
- d) impacts to watercourses and water resources and domestic water supplies;
- e) releases of dangerous goods or waste dangerous goods;
- f) potential fire at the facility (to be reviewed and approved by the local fire and emergency service providers);
- g) petroleum and hazardous material spills and surface water control structure failure; and
- h) such other information as required by NSE.

- 10.2 Contingency plans must be updated/revised to reflect the progressive development of the project. This is to take place over the lifetime of the project, at a schedule acceptable to NSE, and revised as approved by NSE.

- 10.3 Refuelling must not be conducted within 100 metres of any surface water resource, unless otherwise approved by NSE.

## **11.0 Project Development and Reclamation**

- 11.1 The Approval Holder, as part of the application for amendments to the Part V Approval under the *Environment Act*, must provide for review and approval a preliminary reclamation plan that includes progressive reclamation, and details of future land use. The Approval Holder must also consult the preliminary reclamation plan with DNR, Wildlife Division.

- 11.2 Reclamation plans must be updated/ revised to reflect the progressive development of the project. This is to take place over the lifetime of the project, at a schedule acceptable to NSE, and revised as approved by NSE.
- 11.3 Quarry expansion approval is subject to progressive reclamation at the existing site being completed to the satisfaction of NSE. Re-vegetation will be limited to the use of native species unless otherwise approved by NSE
- 11.4 Quarry operations must be completed and reclaimed to the satisfaction of NSE and other appropriate regulatory departments.



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Margaret Miller, MLA  
Minister of Environment